



DEC 5 2003

KRAMER LEVIN NAFTALIS & FRANKEL LLP
INTELLECTUAL PROPERTY DEPARTMENT
919 THIRD AVENUE
NEW YORK, NY 10022

In re Application of
Wedekling et al
Serial No.: 09/752,867
Filed: December 30, 2000
Attorney docket No.: RA-70 DIV-II

WITHDRAWAL OF ABANDONMENT

This is in response to the petition under 37 CFR 1.181, filed August 14, 2003, requesting withdrawal of abandonment of the above-identified application based on non receipt of the Notice of Allowance and the Issue Fee Due.

A review of the file history shows that the examiner mailed a Notice of Allowance and Issue Fee Due and a Notice of Allowability on March 19, 2003, to applicants' representatives, CLARK & ELBING, 176 FEDERAL STREET, BOSTON, MA 02110. Upon failure to receive the Issue Fee within the three month statutory period set therein the application was held abandoned. Applicants' present representatives state that they did not receive the Notices and provide statements to that effect, however provide no proof of non-receipt. As applicants correspondence address did not change until after the mailing of the Notices any evidence of non-receipt would have to be provided by applicants' previous representatives in accordance with the guidance provided in M.P.E.P. 711.03(c). In view of this deficiency the abandonment is not withdrawn.

Applicants' petition is **DISMISSED** without prejudice to applicants filing a renewed petition correcting the deficiencies noted above. It is noted that applicants have submitted a petition fee of \$1300.00 in connection with the filing of this petition. This fee would be required for a petition under 37 CFR 1.137(b), however applicants have not met the requirements for such a petition to be granted.

The petition fee paid of \$1300.00 will be credited to applicants' Deposit Account No. 50-0540, as directed.

Applicants are also advised that the Notice of Allowability will require submission of revised formal drawings in accordance with the Notice provided with the first Office action.

Should there be any questions regarding this decision, please contact William R. Dixon, Jr., by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (703) 308-3824 or by facsimile transmission at (703) 305-7230.


John Doll

Director, Technology Center 1600